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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/011,852	12/04/2001	David M. Smart	1935-1-3	5227

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BELLEVUE, WA 98004-5901

EXAMINER
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LE, TAN

ART UNIT	PAPER NUMBER
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3632

DATE MAILED: 09/26/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/011,852

Applicant(s)

SMART, DAVID M.

Examiner

Tan Le

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 14 July 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 2-10, 12-19, 30-32 and 34-37 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 12-19 is/are allowed.
- 6) ☒ Claim(s) 2-10, 30-32 and 34-37 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

### **DETAILED ACTION**

1. This office action is in response to Applicant's amendment filed 7/14/05. Currently this application contains claims 2-10, 12-19 and 30- 32 and 34-37. Claims 1,11, 20-29 and 33 have been canceled.

### ***Claim Rejections - 35 USC § 102***

2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 2-10 and 35 are rejected under 35 U.S.C. 102(b) as being anticipated by US Patent No. 3,314,467 to Jacobson

As to claim 2-3 and 35, Jacobson teaches a collapsible portable projection screen comprising: a body including a longitudinal axis; an arm (19) attached to the body and extendable to an extended position; a leg (37) attached to the body and not directly attached to the arm, extendable to an extended position, and operable to support the support in an upright position; and a biasing member (12, 15, 45) linked to the arm and operable simultaneously move the arm and leg and to bias the arm and leg toward a retracted position; and an actuation member substantially attached to the body (by pulling or compressing 28, 29) and operable to move the arm and leg; and a locking mechanism (slot and pin connection 47, 48) (see also col. 5, lines 19-35) operable to retain the arm and leg in the extended and retracted position.

As to claims 4-8, Jacobson also teaches all the arm and leg being retractable to a retracted position wherein the retracted position includes the arm and leg positioned substantially parallel to a longitudinal axis, and wherein the extended position includes the arm positioned substantially perpendicular to the longitudinal axis and the leg positioned at a non-zero angle less than 90 degrees to the longitudinal axis.

As to claims 9-10, Jacobson also teaches a leg attachment assembly operable to move a plurality of legs, and an arm attachment assembly operable to move a plurality of arms.

Claims 2-10 and 35 are rejected under 35 U.S.C. 102(b) as being anticipated by US Patent No. 3,087,535 to Muller.

As to claim 2-3 and 35, Muller teaches a collapsible portable projection screen comprising: a body including a longitudinal axis; an arm (8) attached to the body and extendable to an extended position; a leg (9) attached to the body and not directly attached to the arm, extendable to an extended position, and operable to support the support in an upright position; and a biasing member (11, 12) linked to the arm and operable simultaneously move the arm and leg and to bias the arm and leg toward a retracted position; and an actuation member substantially attached to the body (24) and operable to move the arm and leg; and a locking mechanism (slot and pin/latch connections 16, 20) (Fig. 8) (See also col. 3, lines 18-27) operable to retain the arm and leg in the extended and retracted position.

As to claims 4-8, Muller also teaches all the arm and leg being retractable to a retracted position wherein the retracted position includes the arm and leg positioned substantially parallel to a longitudinal axis, and wherein the extended position includes the arm positioned substantially perpendicular to the longitudinal axis and the leg positioned at a non-zero angle less than 90 degrees to the longitudinal axis.

As to claims 9-10, Muller also teaches a leg attachment assembly operable to move a plurality of legs, and an arm attachment assembly operable to move a plurality of arms.

Claims 2-10 and 35 are rejected under 35 U.S.C. 102(b) as being anticipated by US Patent No. 816,905 to Erickson

As to claim 2-3 and 35, Erickson teaches a collapsible portable camp stool comprising: a body including a longitudinal axis; an arm (4) attached to the body and extendable to an extended position; a leg (9) attached to the body and not directly attached to the arm, extendable to an extended position, and operable to support the support in an upright position; and a biasing member (21, 20) linked to the arm and operable simultaneously move the arm and leg and to bias the arm and leg toward a retracted position; and an actuation member substantially attached to the body (24) and operable to move the arm and leg; and a locking mechanism (slot and pin/handle connections 24, 26, 34) (see also col. 2, lines 36-74) operable to retain the arm and leg in the extended and retracted position.

As to claims 4-8, Erickson also teaches all the arm and leg being retractable to a retracted position wherein the retracted position includes the arm and leg positioned substantially parallel to a longitudinal axis, and wherein the extended position includes the arm positioned substantially perpendicular to the longitudinal axis and the leg positioned at a non-zero angle less than 90 degrees to the longitudinal axis.

As to claims 9-10, Erickson also teaches a leg attachment assembly operable to move a plurality of legs, and an arm attachment assembly operable to move a plurality of arms.

***Claim Rejections - 35 USC § 103***

5. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 30-32, 34 and 36- 37 rejected under 35 U.S.C. 103(a) as being unpatentable over Jacobson or Muller.

Jacobson or Muller each teaches structures substantially as claimed as discussed above where a moving arm ring (13) (Jacobson), (10, 21, Muller) and a moving leg ring ((39, 41) (Jacobson) and (18, Muller) as evidently shown. The method of use as claimed would have been obvious in view of the structures.

***Allowable Subject Matter***

Claims 12-19 are allowed.

***Response to Arguments***

Applicant's arguments with respect to independent claims 3 and 12 have been considered but are moot in view of the new ground of rejection. This new ground rejection is necessitated by the amendment. Claims 12-19 remained allowed.

Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tan Le whose telephone number is (571) 272-6818. The examiner can normally be reached on Mon. through Fri. from 9:00 AM-6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert P. Olszewski can be reached on (571) 272-6788. The fax phone

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number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Tan Le  
September 18, 2005



ANITA KING  
PRIMARY EXAMINER